

REMARKS

The Office Action mailed August 17, 2006 has been carefully considered and this response prepared. Claims 1-14 are pending in the application. Claims 3, 4 and 7-14 have been canceled without prejudice. Claims 1, 5 and 6 have been amended as discussed in detail below. New claims 15-17 have been added. New claim 15 is directed to compounds of claim 2. New claims 16 and 17 are directed to pharmaceutical compositions comprising a compound of claim 1 or claim 2 and a pharmaceutically acceptable carrier or adjuvant. Support for new claims 16 and 17 can be found throughout the specification and in particular at page 13. No new matter has been added.

Applicants gratefully acknowledge the Examiner's indication that the claimed compounds are allowable.

At page 2 of the Office Action, the Examiner objected to the declaration because the citizenship of the inventor Ulrich Abel was not specified. Applicants submit herewith a new declaration of Ulrich Abel specifying his citizenship. Withdrawal of the objection to the declaration is respectfully requested.

At page 2 of the Office Action, the Examiner objected to the specification because it does not contain an abstract on a separate page. Applicants submit herewith an Abstract of the invention on a separate sheet. Withdrawal of this objection to the specification is respectfully requested.

At page 2 of the Office Action, the Examiner objected to claims 3, 4 13 and 14 under 37 CFR 1.75 (c) as being in improper form because a multiple dependent claim should refer to other claims in alternate terms only. The Examiner stated that claims 3 and 4 depend upon claim 1 as well as other claims, and claims 13 and 14 depend upon claim 2 as well as other claims. Applicants traverse this rejection. Claims 3, 4, 13 and 14 have been canceled without prejudice and this rejection is now moot. Withdrawal is respectfully requested.

At pages 2-3 of the Office Action, the Examiner rejected claims 1-14 under 35 USC 112, first paragraph as failing to comply with the written description requirement. The Examiner stated that there was no written description in the specification of the term inclusion compounds found in claims 1 and 6. The Examiner also stated that there is no written description in the specification of the term further agents for tumor treatment found in claim 8.

Applicants traverse this rejection. The term inclusion compounds has been deleted from claim 1. Claim 6 has been amended to recite the compound according to claim 1 in the form of an inclusion compound with cyclodextrin. Support for cyclodextrin inclusion compounds can be found throughout the specification and in particular at pages 21-22 and original claim 6. Claim 8 has been canceled without prejudice. Withdrawal of this section 112, first paragraph rejection is respectfully requested.

At pages 3-5 of the Office Action, the Examiner rejected claims 3, 4 and 9-14 under 35 USC 112, first paragraph as not enabled. Claims 3, 4 and 9-13 have been canceled without prejudice and this rejection is now moot. Withdrawal is respectfully requested.

At pages 5-7 of the Office Action, the Examiner rejected claims 1-14 under 35 USC 112, second paragraph as indefinite. Each part of the rejection is addressed below.

In claim 1, the Examiner stated that the values of variables R2 and R3 defined as $C_mH_{2m+o-p}Y_p$ are confusing. Each occurrence of the group $C_mH_{2m+o-p}Y_p$ in R2 and R3 of claim 1 has been amended to clarify the meaning of the variables in the group by deleting the definitions of m, o, p and Y from the definition of R2 and R3 and inserting them at the end of the definitions.

Claims 1 and 5 have been amended to change the term “means” for defining the variables to “is.” Applicants also changed the punctuation at the end of the definition of each variable from a comma to a semi-colon as suggested by the Examiner.

Claims 1 and 6 were rejected as indefinite because the term “inclusion compounds” is not defined in the claims or in the specification. Reference to “inclusion compounds” has been deleted from claim 1. Claim 6 has been amended to recite the compound according to claim 1 in the form of an inclusion compound with cyclodextrin. As discussed above, cyclodextrin inclusion compounds can be found in the specification at pages 21-22, and Applicants therefore submit that the term is not indefinite.

The Examiner considered the term “residue” in claims 1, 3, 4, 13 and 14 to be vague and suggested Applicants use the term “variables” instead. Claim 1 has been amended to delete the term “residue” where it refers to sugars, and delete the term “residue” and insert “group” where it refers to OH. Claims 3, 4, 13 and 14 have been canceled without prejudice and this rejection is now moot with respect to these claims.

The Examiner rejected claim 5 because the term “particularly” was found to be indefinite. Claim 5 has been amended to delete all occurrences of “particularly.”

The Examiner rejected claims 1 and 5 because the variable Y was used twice in the claims with different meanings. Claim 1 has been amended to change the name of variable Y to Y' where it occurs in the definition of R3. The paragraph of the specification beginning at page 3, line 20 has also been amended to refer to Y' where Y occurs in the definition of R3. In the specification R3 is defined in the paragraph beginning at page 3, line 20. The group $C_mH_{2m+o-p}Y_p$ in R3 is defined as: m = 2 to 6, for o = 1, -1, p = 1 to 2m+o; for m = 4 to 6, o = -3, p = 1 to 2m+o; Y = independently from each other selected from the group consisting of halogen, OH, OR31, NH₂, NHR31, NR31R32, SH, SR31. R2 is defined in the specification in the paragraph beginning at page 2, line 5. The group $C_mH_{2m+o-p}Y_p$ in R2 is defined as: m = 1 to 6, for o = 1, p = 1 to 2m+o; for m = 2 to 6, o = -1, p = 1 to 2m+o; for m = 4 to 6, o = -2, p = 1 to 2m+o; Y = independently from each other selected from the group consisting of halogen, OH, OR21, NH₂, NHR21, NR21R22, SH, SR21. It is clear from the specification that Y as defined in R3 is a different variable than Y as defined in R2. The amendment of Y in R3 to Y' clarifies the meaning of claim 1 and does not add new matter. Only the name of the variable has changed, not its meaning. Claim 5 does not refer to Y in the definition of R3 and amendment is not required.

The Examiner rejected claims 7-12 because the term "drugs" or "preparation of drugs" was considered to be vague and indefinite. The Examiner suggested amending the claimd to use the term "pharmaceutical composition". Claim 7 has been canceled without prejudice and replaced with new claims 16 and 17 directed to a pharmaceutical composition comprising a compound of claim 1 or claim 2, respectively, and a pharmaceutically acceptable carrier or adjuvant, as suggested by the Examiner. Claims 8-12 have been canceled without prejudice.

Claims 3, 4, 13 and 14 were rejected because the limitation "residues R" has insufficient antecedent basis. Claims 3, 4, 13 and 14 have been canceled without prejudice and this part of the present rejection is now moot.

Claims 9-12 were rejected because the claims do not set forth any steps involved in the method or process. Claims 9-12 have been canceled without prejudice and this part of the present rejection is now moot.

In view of the above, withdrawal of this section 112, second paragraph rejection is respectfully requested.

At page 7 of the Office Action, the Examiner rejected claims 9-12 under 35 USC 101 because the claims recite a use without setting forth any steps involved with the process.

Applicants traverse this rejection. Claims 9-12 have been canceled without prejudice and this rejection is now moot. Withdrawal is respectfully requested.

In view of the above, the present application is believed to be in a condition ready for allowance. Reconsideration of the application is respectfully requested and an early Notice of Allowance is earnestly solicited.

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Respectfully submitted,

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